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**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEVADA**

In re

XYIENCE, INC.

Debtor.

Case No. BK-S-08-10049-MKN

Chapter 11

**NOTICE OF APPEARANCE AND  
REQUEST FOR SPECIAL NOTICE  
AND COPIES OF ALL FILED PLANS  
AND DISCLOSURE STATEMENTS  
[F.R.B.P. 9010(b), 2002 and 3017(a)]**

BRETT AXELROD, ESQ. and MICAELA RUSTIA, ESQ., of the law firm of LEWIS AND ROCA LLP, counsel for Zuffa Marketing, LLC ("Creditor"), hereby enters their appearance on the record in the above-entitled bankruptcy proceeding pursuant to Bankruptcy Rule 9010(b) and, pursuant to Bankruptcy Rules 2002 and 3017(a), hereby requests special notice of all hearings, actions, contested matters, and adversary proceedings in this case, together with copies of all notices, pleadings, motions, responses, and other related materials that are issued or filed in connection with these proceedings by the Court, Debtor, or other parties in interest, including copies of all Chapter 11 plans and disclosure statements. All notices and copies in response to the foregoing and, pursuant to Bankruptcy Rule 2002, all notices required to be mailed to Creditor pursuant to Bankruptcy Rule 2002, should be directed to:

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BRETT AXELROD, ESQ.  
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Neither this paper nor any subsequent appearance, pleading, claim, proof of claim, document, suit, motion, nor any other writing or conduct, shall (i) expressly or impliedly designate the undersigned as agent for service of process on Creditor, or (ii) constitute a waiver of any of the following rights of the Creditor:

- a. Right to have any and all final orders in any and all non-core matters entered only after de novo review by a United States District Court Judge;
- b. Right to trial by jury in any proceeding as to any and all matters so triable herein, whether or not the same be designated legal or private rights, or in any case, controversy or proceeding relating hereto, notwithstanding the designation val non of such matters as “core proceedings” pursuant to 28 U.S.C. § 157(b)(2)(H), and whether such jury trial right is pursuant to statute or the United States Constitution;
- c. Right to have the reference of this matter withdrawn by the United States District Court in any matter or proceeding subject only to mandatory or discretionary withdrawal; and
- d. Other rights, claims, actions, defenses, setoffs, recoupments, or other matters to which this party is entitled under any agreements or at law or in equity or under the United States Constitution.

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1 All of the above rights are expressly reserved and preserved unto Creditor without exception  
2 and with no purpose of confessing or conceding jurisdiction in any way by this filing or by any other  
3 participation in the above-captioned case and ancillary proceedings.

4 DATED this 10<sup>th</sup> day of January 2008.

5 LEWIS AND ROCA LLP

6 By: /s/Brett Axelrod

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